RESOLUTION 2025-02

BEFORE THE PLANNING COMMISSION OF THE CITY OF LAFAYETTE APPROVING THE MATTER OF:

TR9716, DR06-22, GP15-24, TP45-24 Project Oak Hill LLC (Owner) SRB-60 Zoning: Request for 1) Design Review, 2) Category II Tree Permit, 3) Grading Permit, 4) Major Subdivision to redevelop four parcels containing three existing office/retail buildings (3-story 4,700 sq. ft.; 2-story 2,725 sq. ft.; 1-story 1,645 sq. ft.) and construct a 7-story mixed-use development totaling 172,399 gross sq. ft. in area with 90 for-sale units (79 market rate, 5 very low income, and 6 moderate-income units), including 2,000 sq. ft. commercial area, 183 parking spaces and 52 bicycle spaces, and removing approximately 23 trees.

WHEREAS, on September 14, 2024, the Owner filed a preliminary application pursuant to SB 330 (Government Code Section 65941.1) to demolish three existing commercial office buildings, and construct 90 multifamily units and 2,000 square feet of commercial floor area on four merged/reconfigured parcels located at 1001, 1007, 1009 Oak Hill Rd. and an unaddressed parcel, APNs 243-030-033-1, 243-030-020-8, 243-030-041-4, and 243-030-038-0.

WHEREAS, the preliminary application was deemed incomplete on October 21, 2024;

WHEREAS, the Owner resubmitted the preliminary application on October 31, 2024;

WHEREAS, on November 5, 2024, the preliminary application was deemed complete;

WHEREAS, on September 14, 2024, the Owner filed a design review, grading, and tree permit application to demolish three existing commercial office buildings, and construct 90 multifamily units and 2,000 square feet of commercial floor area on four merged/reconfigured parcels located at 1001, 1007, 1009 Oak Hill Rd. and an unaddressed parcel, APNs 243-030-033-1, 243-030-020-8, 243-030-041-4, and 243-030-038-0.

WHEREAS, the Owner provided a 30-day extension for completeness review pursuant to the Permit Streamlining Act on October 24, 2024;

WHEREAS, the design review application was deemed incomplete on November 21, 2024;

WHEREAS, the Owner resubmitted the design review application on January 10, 2025;

WHEREAS, on February 7, 2025, the design review application was deemed complete;

WHEREAS staff evaluated the project in accordance with the California Environmental Quality Act ("CEQA") and determined the project to be categorically exempt under Section 15332, Class 32: In-Fill Development Project. The Project proposes new residential construction of seven or more units or additions greater than 10,000 sq. ft. and meets the conditions described.

WHEREAS, on January 21, 2025, following notification to the public in a prescribed manner, the Planning and Design Review Commissions conducted a joint public study session,

which it received written and oral testimony including a written staff report and after consideration provided feedback to the applicant;

WHEREAS, on February 26, 2025, public notice of the Planning Commission meeting date for this item was provided in a newspaper of general circulation and mailed to property owners within a 500-foot radius of the Project Site and on February 26, 2025 notice was posted within 300 feet of the Project Site;

WHEREAS, on March 10, 2025, the Design Review Commission, held a public hearing in the prescribed manner, which it received written and oral testimony including a written staff report and recommended final refinements to support a recommendation to the Planning Commission;

WHEREAS, on March 17, 2025, following notification to the public in the prescribed manner, the Planning Commission continued the item without discussion to April 7, 2025;

WHEREAS, on April 7, 2025, following notification to the public in the prescribed manner, the Planning Commission continued the item without discussion to April 21, 2025;

WHEREAS, on March 25, 2025, the Owner filed a vesting tentative map on four merged/reconfigured parcels located at 1001, 1007, 1009 Oak Hill Rd. and an unaddressed parcel, APNs 243-030-033-1, 243-030-020-8, 243-030-041-4, and 243-030-038-0.

WHEREAS, on April 9, 2025, public notice of the Planning Commission meeting date for this item was provided in a newspaper of general circulation and mailed to property owners within a 500-foot radius of the Project Site and on April 9, 2025 notice was posted within 300 feet of the Project Site;

WHEREAS, on April 21, 2025, the Planning Commission conducted a public hearing, at which it received written and oral testimony including a written staff report, determined the project categorically exempt under CEQA Section 15332, Class 32: In-Fill Development Project, and adopted Resolution 2025-02, recommending that the City Council approve the project with State Density Bonus concession and waiver requests;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. All the facts contained in the staff reports of January 21, 2025, and April 21, 2025 are hereby adopted as findings of fact and incorporated into this resolution by reference.

2. The required findings have been updated for the requested approvals of the Design Review permit, Demolition Permit, Category II Tree Permit, Grading Permit, and Major Subdivision have been evaluated as follows:

Zoning Ordinance Compliance. The Council finds that the Project is consistent with the relevant provisions of the Zoning Code in the following manner:

A. **Use.** Municipal Code §6-975 sets forth land uses that are allowed by-right within the SRB-60 (Special Retail Business-60) Zoning District.

The Project proposes the construction of a mixed-use multifamily building with 90 residential units and 2,000 square feet of commercial uses; such uses are principally permitted within the district and do not require Land Use Permit approval.

B. **Use.** Municipal Code §6-975 sets restrictions and use permit criteria for ground-level uses proposing administrative, consultative, and financial service activities, as well as automobile traffic oriented uses.

Not applicable. The Project proposes residential use which is permitted on all floors, since the project does not front Mt. Diablo Blvd. and general commercial use which is permitted on the ground-level.

C. **Lot Area.** Municipal Code §6-975 requires a minimum 5,000-square foot lot area.

The Project meets this requirement by providing a parcel merger resulting in a lot area of 52,587 sq. ft. which will exceed the minimum standard.

D. **Height.** Municipal Code §6-975 prescribes a 60' height limit for buildings within the district.

This application is seeking approval under the California State Density Bonus Law which permits modifications to the City's codes and guidelines through the granting of waivers that physically preclude development of the residential units. The waiver for height will allow the construction of an approximately 88' tall building to construct the housing units proposed. The City is required by law to grant the waiver.

E. **Density.** Municipal Code §6-975 refers to density standards identified in the applicable land use designation of the General Plan Land Use Element and as outlined in Program 10.3.g of the 2023-2031 6th Cycle Housing Element, which in the case of the subject site allow 60 dwelling units per acre.

This application is seeking approval under the California State Density Bonus Law which permits bonus density in exchange for providing on-site below market rate housing. In this case, the applicant proposes 11 below-market rate (BMR) units: 5 very-low income units and 6 moderate income units. This ratio allows the project to achieve a density bonus of 22.5% which yields up to 17 additional market-rate units, increasing the total number of units allowed on the site from 73 to 90.

F. **Open Space.** Municipal Code §6-975 requires a minimum of 20% of the lot area for open space that is open and unobstructed to the sky, with a minimum dimension of ten feet at any place.

In accordance with this standard, the Project is required to provide at least 10,517 sq. ft. of open space (20% x 52,587 sq. ft. lot size). The project meets this requirement by providing approximately 17,638 sq. ft. of open space area that is open to the sky (34%).

G. **Landscaping.** Municipal Code §6-975 requires a minimum of 12% of the ground level be planted and maintained with growing plants.

In accordance with this standard, the Project is required to provide at least 6,310 sq. ft. of ground-level landscaping (12% x 52,587 sq. ft. lot size). This application is seeking approval under the California State Density Bonus Law which permits modifications to the City's codes and guidelines through the granting of waivers that physically preclude development of the residential units. The waiver for landscaping will allow the construction of the proposed building footprint and floor plates to construct the housing units proposed. The City is required by law to grant the waiver.

H. **Minimum setbacks or yards.** Municipal Code §6-975 requires a 10-foot interior, rear, and street-facing setback for residential uses. A 10' wide landscaped yard along the entire property line is required if the site is for residential use, adjacent to residentially zoned property, or property with existing residential with four or more units.

This Project is for residential use; therefore compliance with the setbacks and 10-foot landscape yard is required. The project meets the interior and rear setback requirements by providing minimum 10-foot setbacks. This application is seeking approval under the California State Density Bonus Law which permits modifications to the City's codes and guidelines through the granting of waivers that physically preclude development of the residential units. Waivers to reduce the street-facing setback requirement from 10 feet to 3'-6" and from providing the minimum 10' landscaped side yard along all property lines will allow construction of the proposed building envelope for 90 units, including the affordable units. The City is required by law to grant the waiver.

I. **Upper-Story Step-Backs.** Municipal Code §6-975 requires 10-foot step-backs for portions of street-facing facades above 20 feet from the façade below, and an additional 10 feet for portions of the building above 40 feet.

This application is seeking approval under the California State Density Bonus Law which permits modifications to the City's codes and guidelines through the granting of waivers that physically preclude development of the residential units. The waiver to reduce the 10-foot step-back above 20 feet in height and additional 10-foot step-back above 40 feet in height to 0 feet will allow construction of the proposed housing units. The City is required by law to grant the waiver.

J. **Off-street parking and loading.** Pursuant to Municipal Code §6-972 and §6-601 through §6-610, multifamily residential prescribes parking ratios depending on dwelling unit type (space/ type): 1 space per 1-bedroom unit, 1.2 spaces per 2-bedroom unit, 1.5 spaces per 3 bedroom unit, and 1 guest space for each 5 dwelling units.

The project meets parking ratio requirements by providing 183 automobile parking spaces and 52 bicycle parking spaces. This application is seeking approval under the California State Density Bonus Law which allows modifications to the City's codes and guidelines through the granting of waivers that physically preclude development of the residential units. The waiver requests are with respect parking design to reduce minimum width of

26' to 25'4" for a two-way aisle in a double bay parking lot with 90-degree angles to allow parking spaces, and related housing units. The City is required by law to grant the waiver.

K. **Design Review.** Municipal Code §6-914 requires design review if the Project proposes new construction and/or alterations that will affect a building, sign or other facility's exterior appearance.

The development proposes construction and therefore, subject to design review. See "Design Review – §6-275 (D)" below for the design review criteria and analysis.

L. **Inclusionary Housing.** The provisions of Municipal Code Chapter 6-37 facilitate the development and availability of affordable housing to a broad range of households of various income levels and sizes in Lafayette. LMC §6-3710 requires that "inclusionary units must be dispersed throughout the project and be comparable in terms of bedroom count and exterior design to the market rate units. The inclusionary units must have access to all amenities available to the market rate units."

The Project is located within the Downtown and is therefore subject to the 15% inclusionary housing requirement of Chapter 6-37. The project sponsor proposes to provide 15% (6) of the proposed 73 base density units, dispersed through the project and comparable in terms of bedroom mix. The inclusionary requirement does not apply to the bonus units achieved under State Density Bonus Law. The applicant shall enter into a regulatory agreement with the City guaranteeing that a minimum of 15% of the units will be affordable to low- and very-low income households. The agreement shall also establish the term of affordability, sale/resale restrictions, distribution of units with the project, etc. The Project is required to provide 7 moderate income units and 4 very low income units, as defined by Health and Safety Code section 50097.5 to meet this Inclusionary requirement. However, to meet the requirements of State Density Bonus Law, the applicant proposes a deeper level of affordability: 6 moderate and 5 very low income units.

M. **Public Art.** Municipal Code §6-2603 requires public art installation for projects proposing construction/alteration within the boundaries of the Downtown Specific Plan. The cost of artwork will be an amount not less than one percent of the final construction or alteration cost. An in-lieu fee may be paid to be placed in the City's public art fund upon City Council approval.

The applicant will be required to place public art on-site or pay into a fund in-lieu, based on the location of the project and anticipated construction valuation. If the project sponsor chooses to provide public art on-site, additional review would be required by the Public Art Committee and City Council.

Downtown Design Review. Lafayette Municipal Code §6-275(D) establishes the criteria for development to occur within the downtown commercial zoning districts as outlined in Section 6-272(A)(2).

A. The project substantially complies with the Downtown Design Guidelines.

The Project complies with the Downtown Design Guidelines by siting the new development close to the sidewalk and adjacent residential structures for an improved visual continuum of building frontage. Such building placement, combined with a front façade varying in depth, material and color, provides articulation for a diverse look and creates visual interest along the street. With the proposed 88-foot (7-story) building height, the Project will still be taller than nearby buildings. However, the Project steps down with the hillside natural grade, such that there is an apparent massing of just 4 stories at the project frontage on Oak Hill Rd. Project's uppermost level massing (7th story) is set back from the front approximately 60 feet, the 6th story set back at least 43 feet, and the 5th story is setback at least 21 feet, which reduce the visibility of the upper floors and the apparent building scale from the street. Residential open space is provided through upper story courtyards, in private unit balconies, and at the project entry and frontage. Existing surface parking will be replaced with structured and subterranean parking integrated into the building.

B. The site design, including building placement, parking & circulation, landscape, and outdoor space, enhances the pedestrian experience, embraces and preserves creeks and natural features, promotes connections, creates visual interest, and relates to the character of the surrounding development.

The Project creates a desirable environment by developing new units within close walking distance to the Downtown and public transit. The project as designed, brings the building close to the street and articulates it with varying detail, material and color to create visual interest. Existing surface parking will be replaced with at-grade parking integrated into the building to reduce its visibility and maximize pedestrian experience along the street. Open space for residents is provided through private balconies and terraces, courtyards on the second and third levels, along with a 5th floor pool and open space, and 7th floor common terrace.

C. The building design, including height and scale, architectural details, and amenities, provides diversity in building form, preserves views of surrounding hillsides and ridges as seen from Mt. Diablo Boulevard, creates an inviting environment for pedestrians, and relates to the character of the surrounding development.

Architecture, color, materials, and other details have been designed to provide 'diversity in building form' and desirable development in the neighborhood. Although still taller than nearby buildings, the Project steps down with the natural hillside. The Project's uppermost level massing at the 5th, 6th, and 7th levels is set back from the lower facade, to reduce its visibility and apparent building scale from the street. At the ground-level, landscaping will be provided on through street trees, bioretention basins, and additional landscaping to soften the appearance of the building at the pedestrian level. Overall, the Project is generally compatible with the surrounding development and what is anticipated by the Housing Element and General Plan in terms of form, size, and character.

D. The project promotes a character relating to Lafayette that is informal with variations in architectural styles, massing, setbacks, and upper story step-backs.

The Project is contemporary which differs from the immediately adjacent buildings, which are commercial and utilitarian in character. However, the development will not conflict with or detract from the character of the neighborhood due to an already existing mix of architectural styles, particularly with entitled developments elsewhere in Downtown, including at 100 and 210 Lafayette Circle. The Project, as designed, is modulated in proportion to the building volume and natural hillside. This also helps to break down visible façades to enhance residential scale as well as provide variation in character as indicated in the Downtown Design Guidelines. To avoid monotonous height and scale, the Project incorporates balconies, overhangs, and recesses/projections. As a whole, architectural features are sufficiently detailed and applied such that the Project expresses a clear organizing architectural idea that is cohesive.

E. The project, when adjacent to existing residential dwelling units, is designed to minimize impacts, including noise, privacy, light and glare.

Lighting is proposed to be downward facing and shielded to reduce light and glare. A 6-foot good neighbor fence is proposed in the rear/western elevation to provide privacy.

Demolition Permit. Lafayette Municipal Code §6-584 establishes the criteria for granting of a permit to demolish a structure in the downtown.

A. The proposed demolition and development, rehabilitation or other physical change are consistent with the goals and policies of the General Plan and all applicable specific plans; and

The proposed commercial demolition for multifamily redevelopment is consistent with the City's General Plan goals and policies with respect to providing housing that includes affordable units. The infill housing is within proximity to transit, is high-quality in design and is also consistent with the vision the Downtown Specific Plan has for the Downtown area.

B. The proposed demolition will not eliminate an integral structure located in a historic block that would negatively impact the character and aesthetics of that block; or

The existing buildings (constructed in 1950 and 1961) slated for demolition are not in a historic block nor part of an integral structure. The character and aesthetics of the block will not be negatively impacted by the proposed demolition.

C. The proposed demolition will not eliminate a structure of architectural or historical significance in the Downtown, unless the benefits to the community from the proposed development, rehabilitation, or physical alteration significantly outweigh the historic, civic, or cultural significance of the existing structure.

The existing buildings to be demolished are not of architectural, historic, civic or cultural significance in the Downtown.

Tree Permit. Lafayette Municipal Code §6-1707 requires a Category II permit if proposed construction may result in the destruction or removal of a protected tree.

A. Necessity for the pruning or removal in order to construct a required improvement on public property or within a public right-of-way or to construct an improvement that allows reasonable economic enjoyment of private property;

Given the commercial zoning designation of the subject property, existing trees on-site are considered 'downtown' or 'protected' trees. The downtown classification triggers a protected trees as "a tree of any size or species…" The Project proposes to remove approximately 23 protected trees to accommodate the development project, which represents reasonable economic enjoyment of private property, in that it is a permitted use and density in this location and meets the spirit of the Downtown.

B. Extent to which a proposed improvement may be modified to preserve and maintain a protected tree; and

The Project proposes approximately 88% lot coverage; preservation of additional trees would not be possible without significant modification to the development footprint.

C. Extent to which a proposed change in the existing grade within the protected perimeter may be modified to preserve and maintain a protected tree.

Grading is directly associated with the proposed building which accounts for over 88% lot coverage; preservation of additional trees would not be possible without significant project reconfiguration of the development footprint.

Grading Permit. Lafayette Municipal Code §3-701 establishes the criteria for granting of a permit to allow grading in excess of 50 cubic yards of material.

A. The grading will not endanger the stability of the site or adjacent property or pose a significant ground movement hazard to an adjacent property. The decision-making authority may require the project geotechnical engineer to certify the suitability of the project supported by appropriate technical studies, including subsurface investigation;

Contra Costa County Building Inspection Department will review grading, retaining wall, drainage and building construction drawings to ensure adequacy of the engineering and compliance with applicable codes, including seismic. County Building Inspection will also perform inspections throughout construction and will require certification from the project engineer. Therefore, the grading will not endanger the stability of the site or adjacent property or pose a significant ground movement hazard risk.

B. The grading will not significantly increase erosion or flooding affecting the site or other property and will not cause impacts to riparian habitats, stream channel capacity or water quality that cannot be substantially mitigated;

No grading is proposed near any identified habitats, riparian areas, or streams. An erosion control plan prepared by a civil engineer will be implemented and followed during all grading activities. Grading operations shall be reviewed and coordinated with a City approved geotechnical engineer. Best management practices meeting Contra Costa Clean Water Program ("C.3") requirements will be implemented to enhance water quality and reduce flooding and erosion impacts. The Project includes bioretention areas to receive drainage from impervious surfaces and filter out contaminants prior to the water entering the City's stormwater system and flowing into natural waterways. Therefore, the Project complies with this finding.

C. The grading, when completed, will result in a building site that is visually compatible with the surrounding land;

The proposed project is a redevelopment of an existing developed site and is designed to align with the existing hillside slope by providing a step in the grade at the garage and between the northwest and southeast corners of the site. The completed grading will be similar to current topography in terms of the grade change.

D. The grading is sensitive to the existing landforms, topography and natural features on the site; and

Sloped conditions on the site will generally be retained. Please see the response to §3-701 (C) above.

E. The design of the project preserves existing trees on the site and trees on adjoining property to the extent possible.

Based on the City's landscape consultant review, the development will require removal of approximately 23 trees. The Project proposes approximately 88% lot coverage; preservation of additional trees would not be possible without significant modification to the development footprint.

F. The design of the project preserves existing trees on the site and trees on adjoining property to the extent possible.

The property is within a commercial district, zoned Special Retail Business-60 (SRB-60) and located within downtown; therefore, all trees on site are protected. The Project proposes approximately 88% lot coverage; preservation of additional trees would not be possible without significant modification to the development footprint.

Major Subdivision. Lafayette Municipal Code §6-215 and 6-216 establishes findings required for approval of a subdivision:

1. The proposed subdivision will not be detrimental to the health, safety and general welfare of the city.
2. The proposed subdivision will not adversely affect the orderly development of property within the city.

3. The proposed subdivision will not adversely affect the preservation of property values and the protection of the tax base within the city.
4. The proposed subdivision is consistent with the general plan and each element of it and will not adversely affect the policies and goals set forth in the general plan.
5. The proposed subdivision will not create a nuisance or enforcement problem within the neighborhood.
6. The proposed subdivision will not encourage marginal development within the neighborhood.
7. The proposed subdivision is consistent with the purpose section of the zoning district in which it is located.

Govt. Code §66474 Findings required for approval of a subdivision

1. The proposed map or the design or improvements of the proposed subdivision are consistent with the applicable general and specific plans.
2. The site is physically suited for the proposed type and density of development.
3. The design or proposed improvements will not cause substantial environmental damage, or substantially and unavoidably injure fish, wildlife, or their habitats, or cause serious public health problems.
4. The design of subdivision improvements will not conflict with public easements for access through or use of property within the proposed subdivision.

Staff's Responses

The proposed map and the design of the subdivision are consistent with the applicable goals, policies and programs contained in the Lafayette General Plan, Housing Element, and Downtown Area Plan as outlined in the January 21 and April 21 staff reports. The preliminary geotechnical report prepared by Peters & Ross. concludes that the site is physically suitable for the proposed project. Further, the City of Lafayette Design Review Commission has reviewed the project and has recommended approval to the Planning Commission. The project's density is allowed under the Lafayette General Plan and Housing Element. The project has also been evaluated as required by the California Environmental Quality Act (CEQA) and the conclusion is that the project is exempt from CEQA and will not have a significant impact on the environment. By complying with the General Plan, zoning ordinance and all applicable building and fire codes, the project will not be likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, cause serious public health problems or conflict with public easements.

3. Based on the review of the entire record, the Planning Commission finds and determines that the proposed project is categorically exempt under Section 15332, Class 32: In-Fill Development Project.

3. Based on the above findings, the Planning Commission recommends approval of the request for approval of TR9716, DR06-22, GP15-24, TP45-24 to demolish three existing commercial buildings (totaling approximately 9,070 sq. ft. and construct a new 7-story multifamily development (172,399 gross sq. ft.) containing 90 units, 2,000 sq. ft. of commercial area, with

structured parking and the requested concessions and waivers under Density Bonus Law, subject to the conditions of approval in Exhibit A attached to this resolution.

4. This resolution becomes effective upon its adoption.

PASSED AND ADOPTED by the Planning Commission of the City of Lafayette at a regular meeting held on the 21st of April 2025 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

_____
Stephen LaBonge, Chair

ATTEST:

_____
Joanne Robbins, City Clerk

ATTACHMENT(S):
Exhibit "A" – Conditions of Approval

DRAFT

EXHIBIT "A"
OF DRC RESOLUTION 2025-02

CONDITIONS OF APPROVAL • DR18-24 PROJECT OAK HILL LLC

Project specific conditions of approval are shaded

ONGOING CONDITIONS	FOR STAFF USE ONLY
1. **Approved Plans.** Development shall conform to the following approved plans, on file at the City Offices, as modified by these conditions. • Site plans, elevations, & details received March 31, 2025 • Grading and drainage plans, received March 31, 2025 • Landscape plans, received March 31, 2025 • Colors & materials board, received March 31, 2025	Ongoing condition.
2. **Expiration.** Pursuant to §6-250 of the Lafayette Municipal Code, this approval shall expire two years from the approval date, COUNCIL DATE], unless a building permit has been issued for the project. The Planning & Building Department Director may extend the period to exercise the permit for up to one additional year, COUNCIL DATE], upon a showing of good cause, if such request is received in writing prior to the expiration date.	Ongoing condition.
3. **Changes.** No changes shall be made to the approved plans or color and materials board without review and approval by the Planning & Building Department and/or appropriate commissions as determined by the Planning & Building Department Director. If changes are approved by the City, the property owner shall prepare revised plans for review and approval by the Planning & Building Department. Once the revised plans are stamped "approved", the property owner shall submit the revised plans to the Contra Costa County Building Department for their review and approval.	Ongoing condition.
4. **Plans to conform.** Construction plans shall conform to the approved design drawings. The property owner shall indicate to staff at the time of submittal for building permit plan check, any and all modifications, clarifications, or changes on the construction drawings from the approved design drawings.	Ongoing condition.
5. **Construction storage.** Storage of construction materials, portable toilets and debris must be stored and staged on the subject property for this project. Temporary storage of construction boxes or construction materials must be kept on the property and out of any private easement or public right-of-way to permit emergency vehicle access during the construction project.	Ongoing condition.
6. **Construction hours.** Site improvement and construction work, including set-up, loading or unloading of materials or equipment, or the maintenance, refueling or tune-up of any equipment, performed as part of this project is restricted to the hours between 8:00 a.m. and 6:00 p.m., Monday through Saturday. No noise-generating construction work shall be performed on Sundays or holidays. Violation of this condition may result in issuance of a Stop Work Order or administrative citations.	Ongoing condition.

7. **Protected Trees.** This approval hereby protects the following listed trees which, because their placement and shape, provide screening and softening essential to make the findings of this approval. If no trees are specifically listed, no trees outside those listed in the Tree Protection Ordinance are protected by this approval. ❑ *23 protected trees as specified on Sheet L0.01, as reviewed by the Consulting Arborist/Landscape Architect on March 11, 2025.*	Ongoing condition.
8. **Indemnification.** The property owner shall defend, indemnify and hold harmless the City of Lafayette, its agents, officers, officials, and employees from all claims, demands, law suits, writs of mandamus, and other actions or proceedings (collectively "Actions") brought against the City or its agents, officers, officials, or employees to challenge, attack seek to modify , set aside, void or annul this approval. In the event the City becomes aware of any such action the City shall promptly notify the property owner and shall cooperate fully in the defense. It is expressly agreed that the City shall have the right to approve, which approval shall not be unreasonable withheld, the legal counsel providing the City's defense, and the property owner shall reimburse City for any costs and expenses directly and necessarily incurred by the City in the Course of the defense.	Ongoing condition.
9. **Fees and exactions.** These conditions of Project Approval include certain fees, dedication requirements, reservation requirements, and other exactions. Under Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees and a description of the dedication, reservations, and other exactions which are imposed upon you. Under Government Code Sections 66020(a) & (d)(1), there is a 90-day period within which you may file and administrative protest of these fees, dedications, reservations, and other exactions. This 90-day period begins with the approval of the project. If you fail to file a protest with the City Clerk within this 90-day period complying with all of the requirements of Section 66020, you will be legally barred from later challenging such exaction.	Ongoing condition.
10. **Timing of grading.** If a project requires a grading permit, grading activities shall only be allowed between April 15 and October 1 to avoid the Fall and Winter rains. At the developer's risk, grading may begin as early as March 15 and continue past October 1, only if a rainy season action plan has been prepared and stormwater pollution prevention measures have been installed and certified as operational by the Project Engineer and the Contra Costa County Grading Inspector.	Ongoing condition.
11. **COAs enforced.** If the Planning & Building Department, either independently or as a result of complaints from the public, becomes aware that these conditions of approval are being violated, and Planning & Building Department staff is unable to obtain compliance or abatement, the City may issue a Stop Work Order and/or pursue administrative remedies pursuant to chapters 1-3 and 1-9 of the Lafayette Municipal Code. Administrative citations and fines may be issued for each day a violation occurs.	Ongoing condition.

PRIOR TO SUBMITTAL OF A GRADING, BUILDING, OR DEMOLITION PERMIT, WHICHEVER IS FIRST	
12. The property owner shall submit a lot line adjustment applicant to merge the subject parcels.	☐ Satisfied DATE: STAFF: -

PRIOR TO ISSUANCE OF A GRADING, BUILDING, OR DEMOLITION PERMIT, WHICHEVER IS FIRST	
13. **COAs in construction drawings.** The property owner shall duplicate these conditions of approval set forth in this document "Exhibit A" in the construction drawing plan sets for the benefit of the contractor(s), subcontractor(s), and inspector(s). All sheets in the construction drawings shall be the same size (e.g. 24" by 36").	☐ Satisfied DATE: STAFF: -
14. **Grading and drainage.** The property owner shall submit a grading and drainage improvement plan to the City Engineer for review and approval. The review of construction drawings may necessitate additional revisions, as preliminary comments received from the City Engineer were based on conceptual design drawings. The grading and drainage plans shall address the following stormwater provisions: ❑ Plans shall indicate the location and design of all storm drainage facilities, including subsurface drains, detention basins, and drop structures. Detention basins, if determined to be necessary by the City Engineer, shall be constructed in conjunction with grading for the development. ❑ Roof drainage shall be directed across non-paved areas prior to entering the storm drain system or natural waterway. The path of drainage shall incorporate erosion control measures as necessary. ❑ Construction plans shall show the details and methods of construction for stormwater management site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control stormwater flow and potential stormwater pollutants to the maximum extent practicable. For additional information, see the handout, "Stormwater Quality Control Guidelines" available from the Planning & Building Department or at www.lovelafayette.org > City Departments > Planning > Planning Handouts > Stormwater Quality Control Guidelines. ❑ Grading and improvement plans shall include stormwater pollution prevention plans for use during site development and building construction to mitigate impacts of this development. Plans shall include measures contained in the City's "Construction Practices for Stormwater Pollution Prevention" document available from the Planning & Building Department or at www.lovelafayette.org > City Departments > Public Works > Construction Practices for Stormwater Pollution Prevention. ❑ Plans shall indicate that "No dumping drains to bay" markings per City requirements will be installed at each stormwater drain inlet.	☐ Satisfied DATE: STAFF: -

15. **Landscape maintenance agreement.** The property owner(s) shall enter into a standard landscape maintenance agreement with the City to install new and maintain existing landscaping, and preserve and protect the trees on the property as indicated on the plans. The project planner will prepare a standard landscape maintenance agreement and send it to the property owner(s). The agreement shall be signed and notarized and submitted to the Planning & Building Department to be recorded against the property. The agreement shall run with the property to ensure that future property owner(s) are aware of the requirement for ongoing maintenance of the existing and approved landscaping.	☐ Satisfied DATE: STAFF: -
16. **Tree protection.** The property owner shall show tree protection measures on the site plan and grading plan in the construction drawing plan sets, per the City standard tree fencing detail. A copy of this detail is available from Planning & Building Department staff or by visiting www.lovelafayette.org > City Departments > Planning > Planning Handouts > Tree Protection Guidelines.	☐ Satisfied DATE: STAFF: -
17. **Tree protection measures.** The property owner shall install tree protection fencing around all trees to remain on the property in the vicinity of construction activity, as shown in the City's Tree Protection Guidelines. The property owner shall notify Planning & Building Department staff who will inspect the tree protection fencing to ensure they are installed in conformance with the Guidelines, and are substantial enough to reasonably protect the trees. The property owner is responsible for ensuring that tree protection measures remain intact throughout the construction process. Staff will conduct site inspections throughout the construction process without prior notice to the property owner or property owner. If the protection measures are damaged or otherwise removed, the project shall be subject to a stop work order until such time as corrective measures have been taken to the satisfaction of Planning & Building Department staff. Any trees identified on the plans to remain that are damaged or destroyed as a result of construction activities shall be replaced at a ratio and size deemed appropriate by the Planning & Building Department Director.	☐ Satisfied DATE: STAFF: -
18. **Waste Management Plan.** The property owner and applicant shall comply with Chapter 5-6, Construction and Demolition Debris Recycling if the project is determined to be a covered project as defined in Section 5-603, LMC. The applicant shall submit a Waste Management Plan (WMP) to the Planning & Building Department on greenhalosystems.com. The WMP packet may be downloaded from the City of Lafayette website www.lovelafayette.org > Planning & Permits > Waste Management Plan.	☐ Satisfied DATE: STAFF: -
19. **Construction Hours Sign.** The property owner shall install a sign stating the allowed days and hours for construction, which shall be posted in a conspicuous place along the front property line where it can be viewed by all contractors, subcontractors and the general public. The sign shall be 4 square feet and state the message below. Lettering shall be at least three inches, except for "No noise-generating construction on Sundays or national holidays" which shall be at least 1.5 inches. HOURS OF CONSTRUCTION Mon – Sat 8:00 AM – 6:00 PM No noise-generating construction on Sundays or holidays	☐ Satisfied DATE: STAFF: -

20. **CCCFPD Approval.** The property owner shall obtain review and approval by the Contra Costa County Fire Protection District, which is located at 4005 Port Chicago Hwy, Suite 250, Concord, CA. Construction drawings shall have the Fire Protection District stamp and signature prior to submitting to the Lafayette Planning & Building department.	☐ Satisfied DATE: STAFF: -
21. **CCC Sanitary Approval.** The property owner shall obtain review and approval from the Central Contra Costa Sanitary District. Construction plans shall be stamped with the department's approval. The Central Sanitary District is located at 5019 Imhoff Place, in Martinez, and can be reached at (925) 228-9500 for requirements and permits.	☐ Satisfied DATE: STAFF: -
22. **Encroachment Permit.** An Encroachment Permit shall be obtained from the City Engineer for any work done within the City right-of-way.	☐ Satisfied DATE: STAFF: -
23. **Landscape Irrigation.** Landscape and irrigations plans shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.	☐ Satisfied DATE: STAFF: -
24. **WELO.** The project is subject to Water Efficient Landscape Ordinance (WELO) provisions. Prepare required Landscape Documentation Package materials per the submittal checklist applicable to the scope: ☐ Prescriptive Compliance Pathway (500-2,500 sq. ft aggregate landscape). ☐ Performance Compliance Pathway (2,501 sq. ft. or greater aggregate landscape).	☐ Satisfied DATE: STAFF: -
25. **Stormwater Control Plan.** For projects subject to C.3 provisions, construction plans and/or improvement plans consistent with the approved Stormwater Control Plan shall be submitted to the Engineering Services Division for review and approval. The plans shall include drawings and specifications necessary to implement all measures in the approved Plan and include a completed "Construction Plan C.3 Checklist" as described in Step 10 of the *Stormwater C.3 Guidebook* available at www.cccleanwater.org/construction/nd.php.	☐ Satisfied DATE: STAFF: -
26. **Stormwater Op & Maintenance.** If permanent stormwater and/or treatment control measures are being installed, the property owner shall submit a Storm Water Operation and Maintenance Plan consistent with Chapter 6 of the Clean Water Program's Storm Water C.3 Guidebook to the Engineering Services Division for review and approval.	☐ Satisfied DATE: STAFF: -
27. **Stormwater Management.** Prior to recordation of any condominium map, if permanent stormwater and/or treatment control measures are being installed, the property owner shall enter into a standard City of Lafayette Stormwater Management Facilities Operations and Maintenance and Right of Entry Agreement. The project planner will prepare the standard agreement and send it to the property owner(s). The agreement shall be signed and notarized and submitted to the Planning & Building Department to be recorded against the property. The agreement shall run with the property to ensure that future property owner(s) are aware of the requirement for ongoing maintenance of the permanent stormwater facilities.	☐ Satisfied DATE: STAFF: -

28. **Stormwater Fee.** If permanent stormwater and/or treatment control measures are being installed, the property owner shall submit a $5,000 bond to the Planning & Building Department. After satisfying three years of inspections and documentation, the City will return the bond.	☐ Satisfied DATE: STAFF: -
29. **Notice of Intent (NOI and Stormwater Pollution Prevention Plan (SPPP).** For projects involving land disturbances of one (1) acre or more. Prior to issuance of a grading or demolition permit, whichever occurs first, the property owner shall submit to the Lafayette Engineering Services Division a copy of the Notice of Intent (NOI) sent to the State Water Resources Control Board and the Stormwater Pollution Prevention Plan (SWPPP) prepared for the project, as required by the State's General Construction Activity Permit. The SWPPP shall contain and the property owner shall implement, at a minimum, the measures contained in the City of Lafayette "Minimum Construction Site Management Practices". Additional information on the NOI process and application forms can be obtained through the State website: http://www.swrcb.ca.gov/stormwtr/docs/finalconstpermit120602.doc.	☐ Satisfied DATE: STAFF: -
30. **Color and material verification.** The applicant shall provide building materials, color brush-outs, window and door framing and trim, fencing and railings on-site, prior to installation, so that the Planning Director and/or Design Review Commission Chair may review the materials and colors for compliance with the approved plans.	☐ Satisfied DATE: STAFF: -
31. **BMR regulatory agreement.** The property owner shall enter into a regulatory agreement with the City guaranteeing that the 11 units will be affordable: five (5) very low- and six (6 moderate-income households units. The agreement shall also establish the term of affordability, location of units with the project, marketing, resale restrictions, and eligibility. The property owner shall include language permitting persons and households eligible for HUD Section 8 rental assistance or Housing Voucher Folders to apply for below-market-rate units consistent with Federal Fair Housing regulations.	☐ Satisfied DATE: STAFF: -
32. **Utility undergrounding.** Building permit plans shall indicate removal of the utility pole on Oak Hill Rd. (at the northeast corner of the site) and undergrounding the overhead utility line across Oak Hill Rd., subject to Engineering Department review and approval.	☐ Satisfied DATE: STAFF: -
33. **Condominium map.** The project sponsor shall submit a condominium map for review, approval, and recordation.	☐ Satisfied DATE: STAFF: -
34. **Trash room capacity.** The applicant shall submit a letter from the refuse provider indicating that the trash room meets capacity requirements and that the staging area meets the provider's pick-up requirements.	☐ Satisfied DATE: STAFF: -
35. **Landscape plans and mitigation.** The applicant shall submit final tree mitigation calculations, planting plans, compliant fence heights, and adequate soil volumes as described in the City's Landscape consultant's letter, dated March 11, 2025. The property owner shall plant as many trees onsite as will thrive; the remaining mitigation trees may be provided through in-lieu fee payment for trees not planted.	☐ Satisfied DATE: STAFF: -

36. **EBMUD review.** The property owner shall obtain approval from EBMUD indicating that the project design meets EBMUD's requirements, pursuant to their letter dated February 5, 2025, addressing the project's effect on the adjacent aqueducts and water distribution line.	☐ Satisfied DATE: STAFF: -
37. **Central San review.** The applicant shall address comments provided by Central Sanitary District, pursuant to their letter dated February 11, 2025, including accurate location of the sewer connection and preparation of an updated sewer capacity analysis.	☐ Satisfied DATE: STAFF: -
38. **Parking stackers.** The applicant shall provide specifications to demonstrate how the proposed parking stackers will operate and be maintained.	☐ Satisfied DATE: STAFF: -

PRIOR TO RELEASE OF "HOLD-ON-FRAMING" STATUS	
39. **Constructed per Approved Plans.** The property owner shall comply with the following: ☐ Review the project file and obtain copies as needed of the following: ❑ Approved external residential and landscape light fixtures and locations ❑ Approved colors and materials ❑ Approved landscape plans ❑ Conditions of approval ☐ Submit photo documentation verifying that the tree protection measures are intact in accordance to the plans (photos shall reflect current conditions) ☐ Sign the approved plans indicating that the above items were completed and that the property owner understands that the project will be completed in accordance to the approved plans	☐ Satisfied DATE: STAFF: -
40. **Photo Documentation of Tree Protection.** The property owner shall submit photo documentation verifying that the tree protection measures are intact in accordance to the plans (photos shall reflect current conditions) to planning staff.	☐ Satisfied DATE: STAFF: -
41. **Certification of Framing**. The property owner shall submit a certification letter from a California certified land surveyor or registered civil engineer, which verifies that development complies with the approved construction drawings. At the time of form inspection, the property owner shall submit the certification letter to Contra Costa County Building Inspection Department ("CCCBID") inspector. A separate copy shall also be submitted to the Lafayette Planning & Building Department. For questions about this requirement, contact CCCBID for clarification.	☐ Satisfied DATE: STAFF: -

PRIOR TO RELEASE OF "HOLD-ON-FINAL" STATUS AND FINAL BUILDING INSPECTION	
42. **Fees Due.** The property owner shall pay any outstanding balance on the project Planning Account and all applicable development fees for the approved project. Development fees include, but are not limited to: ☐ Parkland Fee (Chapter 6-16 LMC) ☐ Park Facilities Fee (Chapter 6-16 LMC) ☐ Park Fees Program Administration Fee (Chapter 6-16 LMC) ☐ Drainage Impact Fee (Chapter 8-17 LMC) ☐ Drainage Impact Fee Program Administration Fee (§8-1711 LMC) ☐ Walkway Fee (§8-113(d) LMC) ☐ Walkway Fee Program Administration Fee (§8-138 LMC) ☐ Lamorinda Sub-Regional Transportation Fee (§1-624 LMC)	☐ Satisfied DATE: STAFF: -
43. **WELO Certificate of Completion**. Prior to contacting the Prior to contacting the Lafayette Planning & Building Department to schedule an inspection, the applicant/property owner shall submit a completed Certificate of Completion Package. Documents in the package will verify that installed landscaping is in substantial conformance with the approved Landscape Documentation Package and complies with the requirements of the Water Efficient Landscape Ordinance. The Certificate of Completion shall confirm that the species, size, quantity, and location of approved trees, shrubs, and groundcover comply with the approved landscape, irrigation, and grading plans as applicable. The Certification form and letter shall also verify landscape lighting, fencing, irrigation, and other details as applicable. Once the form and letter has been submitted, the project planner will also confirm the installation of the landscaping during the scheduled final inspection. The Certificate of Completion shall verify the following are completed and attached: ❑ Part 1. Project Information Sheet ❑ Part 2. Certification of Installation According to the Landscape Documentation Package ❑ Part 3. Irrigation Scheduling ❑ Part 4. Schedule of Landscape and Irrigation Maintenance ❑ Part 5. Landscape Irrigation Audit Report (Not required for Prescriptive Pathway) ❑ Part 6. Soil Management Report (Not required for Prescriptive Pathway) Other: Additional Modifications	☐ Satisfied DATE: STAFF: -
44. **Aqueduct Trail.** The property owner shall make a one-time payment in the amount of $200,000 toward design and construction of an off-site path adjacent to the project site. The payment may be used to satisfy the local share of LFFA (Lamorinda Fee and Finance Authority) Transportation fees.	☐ Satisfied DATE: STAFF: -

45. **Approved Landscaping.** The property owner shall install approved landscaping according to the approved landscape plans prior to contacting the Lafayette Planning & Building Department to schedule an inspection. Species identification tags shall remain on trees, plants, and shrubs for the benefit of the planner conducting the final inspection.	☐ Satisfied DATE: STAFF: -
46. **Landscape Certification Letter.** The applicant shall submit a certification letter from the Landscape Architect, or the representative that prepared the approved landscape plan(s), which verifies that installed landscaping complies with the approved landscape plan(s), prior to contacting the Lafayette Planning & Building Department to schedule an inspection. The certification letter shall verify that the species, size, quantity, and location of approved trees, shrubs, and groundcover comply with the approved landscape plan(s). The certification letter shall also verify landscape lighting, fencing, irrigation, and other details as applicable. Once the certification letter has been submitted, the project planner will also confirm the installation of the landscaping during the scheduled final inspection.	☐ Satisfied DATE: STAFF: -
47. **Landscaping Invoice.** The applicant shall submit a copy of the invoice listing the landscaping plants ordered for the project.	☐ Satisfied DATE: STAFF: -
48. **Encroachment Permit.** The property owner shall contact the Engineering & Public Works Department to close out the Encroachment Permit, having completed the work to the satisfaction of the Construction Inspector.	☐ Satisfied DATE: STAFF: -
49. **Lafayette Planning Final Inspection.** The property owner shall contact the Lafayette Planning & Building Department at least 72 hours prior to requesting a final building inspection from the Contra Costa County Building Inspection Department. The property owner shall request an inspection of the project by Planning & Building Department staff to confirm that all conditions of approval have been met and that the project was constructed in accordance with approved plans. Planning & Building Department staff will release the "Hold" on the final building inspection when all conditions of approval have been met and a site inspection finds that the project was constructed in accordance with approved plans, including but not limited to siting, grading, retaining walls, tree protection measures, location of windows & doors, and building color.	☐ Satisfied DATE: STAFF: -
50. **Waste Management Plan Completion.** The property owner and applicant shall comply with Chapter 5-6, Construction and Demolition Debris Recycling if this project was determined to be a covered project as defined in Section 5-603, LMC. Prior to final inspection of a grading, demolition, and/or building permit and within 30 days after project completion, the applicant shall submit the WMP to the City through Green Halo Systems for final review.	☐ Satisfied DATE: STAFF: -
51. **Stormwater Control Plan Agreement.** The property owner shall execute any agreements identified in the Stormwater Control Plan that pertain to the transfer of ownership and/or long-term maintenance of stormwater treatment or hydrograph modification BMPs. Post construction stormwater pollution prevention guidelines, approved by the City, shall be given to new owners prior to the transfer of any property.	☐ Satisfied DATE: STAFF: -

52.	**Drainage Plan Installations.** All stormwater management facilities, including but not limited to, treatment BMPs, permanent source control BMPs, detention basins, drop structures, and "No dumping drains to the Bay" markings, shall be installed per the approved drainage plan. Improvement shall be inspected and certified by the project design engineer and the results forwarded to the Contra Costa County Grading Inspector.	☐ Satisfied DATE: STAFF: -
53.	**Stormwater Facilities Information Log.** If permanent stormwater and/or treatment control measures are being installed and the project is regulate, the property owner shall complete the Stormwater Facilities Information Log and submit it to the Planning & Building Department for review and approval.	☐ Satisfied DATE: STAFF: -

- END -

Updated 2025-02-13 AT